

Code of Silence

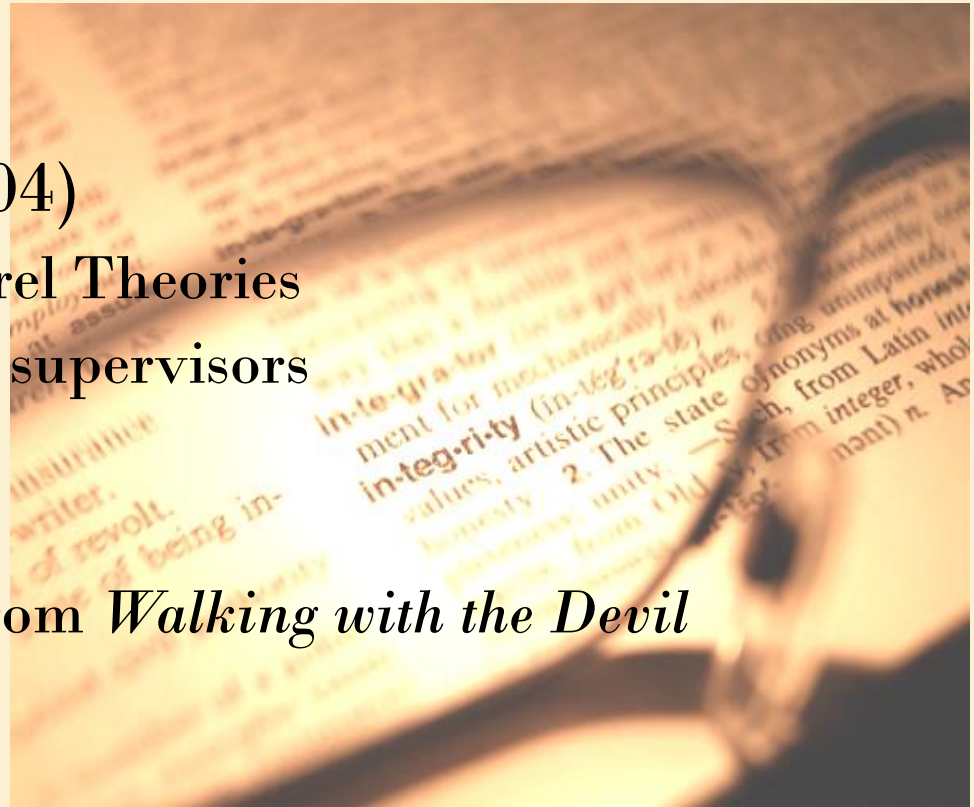
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ETHICS, INTEGRITY, & THE POLICE CULTURE

- Ross Swope Article (2004)
 - Bad Apple v. Rotten Barrel Theories
 - Need for strong ethics by supervisors
- Code of Silence Issues
 - Hypothetical scenarios from *Walking with the Devil* (Quinn 2005)
- Disciplining Code of Silence Cases



WALKING WITH THE DEVIL

HYPOTHETICAL

- You are an officer responding to a “violent domestic” in progress. You are the first to arrive at the scene.
- As you drive up, you see a large man kneeling on the ground hitting a small woman with his right fist in her bloody face.
- As you get closer, you see they are both covered in blood and it’s clear that she has been seriously injured.
- You grab him by his arm but he is able to break your grip. He punches you and you fall to the ground. You raise your arm trying to block a kick aimed directly at your head.
- You call for help and try to stand, but he kicks you in the ribs, taking the wind out of you.

WALKING WITH THE DEVIL

HYPOTHETICAL

- Your sidearm is out and pointing at the suspect who you believe is trying to kill you. As you try to point your weapon, he disappears under a mob of uniforms.
- The responding officers arrive just in time to see the suspect kick you in your blood-covered face as you lie next to the now unconscious female. In their rage, they jump your attacker from behind and beat him into the ground.
- They punch, twist, choke, kick and strike with batons and metal flashlights until he is unconscious. There is no attempt to control him. They inflict as much pain as they can short of killing him.
- When he wakes, several weeks later, he doesn't remember a thing. He is an ex-con who attacked the victim after she befriended him in prison and then refused to have sex with him after he was released.

WALKING WITH THE DEVIL

HYPOTHETICAL

What you witnessed was excessive force. It was both a criminal and a civil violation.

But, if the responding officers had not arrived when they did, you and the female victim would both be dead.



HYPOTHETICAL CONTINUED

WALKING WITH THE DEVIL



What do you do? Do you go to Internal Affairs? If Internal Affairs comes to you, do you admit seeing what happened or believably state that you were unconscious at the time?

Does it matter whether you become aware there is a videotape of the entire incident?

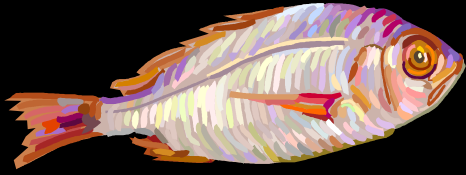
Code of Silence

- Is there such a thing as a police code of silence?
- What are the contributing factors?
 - Loyalty
 - Must be able to rely upon each other
 - Philosophical Agreement
 - Noble Cause
 - We are “in this alone”
 - Citizens expect much but don’t understand reality
 - Fear of Retribution

Code of Silence- Factors

- Development of a “Cohort” or “Band”
 - “The Police Family” ... “Police Brotherhood” ... “Thin Blue Line” ... and others
- Value System of a Cohort
 - Identifiable Group
 - A Way of Life
 - A Common Enemy





Code of Silence- Factors

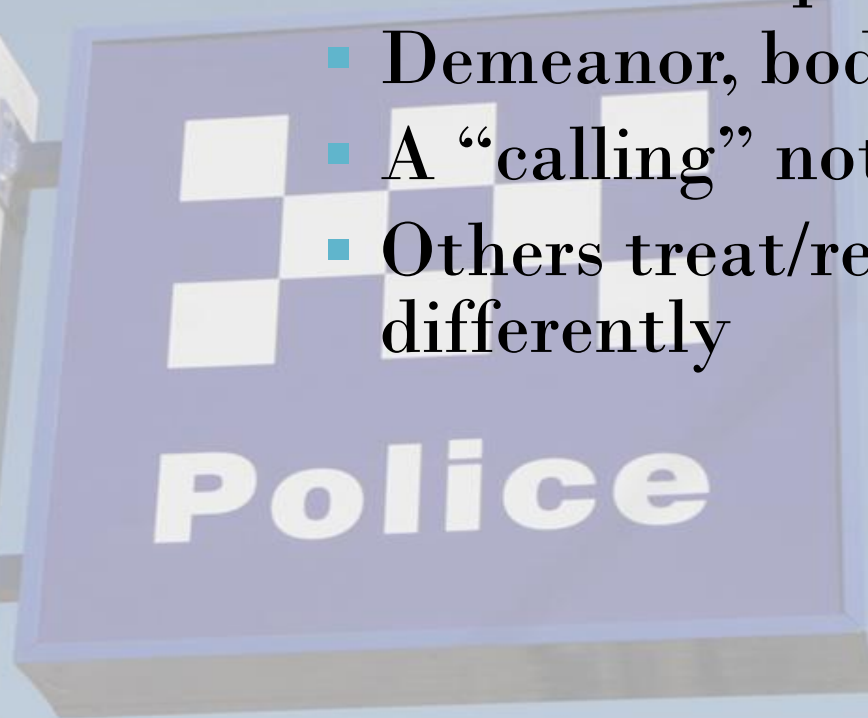
"A fish only discovers its need for water when it is no longer in it. Our own culture is like water to a fish.

It sustains us.


We live and breathe through it."

Fons Trompenaars

- Identifiable Group
 - Uniforms, equipment
 - Demeanor, body language
 - A “calling” not a “job”
 - Others treat/react to them differently



Code of Silence- Factors

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- **A Way of Life**
 - **Characterized by Strong Beliefs**
 - **Non-compliance = Ostracism**
 - **Change in ethical views = group acceptance**
 - **Strong Belief in Right and Wrong**
 - **Protection and Support Mechanisms**

Code of Silence- Factors

- A common enemy
 - Us vs. them mentality
 - The media ... the general public
 - Seen as a greater threat than criminals
 - Administrators and Internal Affairs as enemies
 - Most people consider those who cause them problems to be enemies



Code of Silence

- Should Police be Held to a “Higher Standard?”
 - Power and authority
 - Rules, laws, and codes
 - Public servants
 - Code of ethics
 - Oath of office



Code of Silence

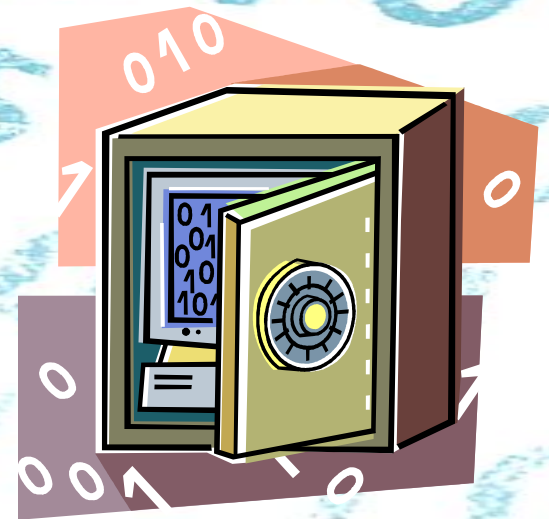
- Cracking the Code ... Organizational Measures
 - Whistle Blowers
 - Visible Significant Rewards for Ethical Behavior
 - *“I don’t want a visible reward ... just protect me!”*
 - Ethical Courage Award
 - Contradiction ... recognizing people for doing what should be expected behavior.
 - Award Recipients ... how have they fared?
 - Michelle Guerette: *“I knew it would hurt like hell ...”*



Code of Silence

■ Cracking the Code... Individual Measures

- When officers are willing to say to one another:
 - *“Stop what you are doing! What you are doing is wrong, and it tarnishes my badge as well as yours!”*



CODE OF SILENCE

INVESTIGATING POLICE MISCONDUCT

Question:

When a cop is charged with misconduct, who else knows about it?

Question:

How are “problem officers” identified?



CODE OF SILENCE

INVESTIGATING POLICE MISCONDUCT

- Concerns of Internal Affairs Investigators
 - I will be perceived as a “rat”
 - Limiting to a career
 - Have to return to squad eventually

- In fact ...
 - Perfectly placed to enhance profession
 - No officer wants to work with a “bad cop”
 - Public Trust/Perception affect policing success

Denver's Disciplinary Matrix

- Distinguishing between “big lies” and “little lies”
 - Rule & Regulation 112.1 (Misleading or Inaccurate Statement): Officers shall not knowingly make a misleading or inaccurate statement relating to their official duties.
 - Presumptive Discipline: 10 days suspended w/o pay
 - Mitigated Range: 4-6 days suspended w/o pay
 - Aggravated Range: 14-16 days suspended w/ pay

Denver's Disciplinary Matrix

- Distinguishing between “big lies” and “little lies”
 - Rule & Regulation 112.2 (Commission of a Deceptive Act): In connection with any investigation or judicial or administrative proceeding, officers shall not willfully, intentionally, or knowingly commit a materially deceptive act, including but not limited to departing from the truth verbally, making a false report, or intentionally omitting information.
 - Presumptive Discipline: Termination
 - Mitigated Range: 90 days suspended w/o pay

Code of Silence Case Study

- An officer assaults an arrestee at the conclusion of a foot pursuit causing serious bodily injury.
- Two other officers- one veteran and one trainee-witness but fail to document or report the assault instead coming forward days later after learning about the serious injuries sustained by the victim.
- What disciplinary action do you take against the witness officers?



Comparing Department Policies

- LAPD & Denver PD: Officers are required to report misconduct to a supervisor immediately upon observing such misconduct.
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- NYPD: Officers may report misconduct anonymously.

Questions?